

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CODY WILLIAM SMITH, )  
Petitioner, ) Civil Action No. 2:20-cv-1078  
v. ) Judge Robert J. Colville  
WESTMORELAND COUNTY ) Magistrate Judge Patricia L. Dodge  
DISTRICT ATTORNEY'S OFFICE, et al., )  
Respondents. )

**ORDER OF COURT**

Before the Court is the Petition for Writ of Habeas Corpus (ECF No. 1) filed by Petitioner Cody William Smith. On November 12, 2020, Magistrate Judge Patricia L. Dodge issued a Report and Recommendation (ECF No. 12) in which she recommended that the Court dismiss the Petition for Writ of Habeas Corpus without prejudice and deny a certificate of appealability. Objections to Judge Dodge's Report and Recommendation were due by November 27, 2020. No objections were filed, and the matter is now ripe for disposition.

The district court must make a *de novo* determination of those portions of the Report and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C); *see also Henderson v. Carlson*, 812 F.2d 874, 877 (3d Cir. 1987). This Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district court judge may also recommit the matter to the magistrate judge with instructions.

Upon review of Judge Dodge's November 12, 2020 Report and Recommendation, as well as a review of the entire record in this matter, it is hereby ORDERED as follows:

The Court hereby approves and adopts Judge Dodge's Report and Recommendation as the Opinion of the Court. The Petition for Writ of Habeas Corpus is dismissed without prejudice. The

Court further finds that Petitioner is not entitled to the issuance of a certificate of appealability.

The Clerk of Court shall mark this case as administratively closed.

BY THE COURT:

/s/ Robert J. Colville  
Robert J. Colville  
United States District Judge

Dated: December 7, 2020

cc/ecf: All counsel of record

Cody William Smith  
3201-19  
Westmoreland County Prison  
3000 S. Grande Boulevard  
Greensburg, PA 15601